



Committee on Ordinances

November 27, 2007 – 7:00 pm – **Agenda**
City Council Chamber, Room 214, Municipal Building

View Minutes

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1. Written Motion, Councillor Gonsalves, proposing that an Amendment be made to Section 2-157 of the City Code relative to DEMOLITION OF BUILDINGS. (Ref'd 5/26/05, refer to Legal Counsel to draft an Ordinance amending Sec. 2-157, Demolition of Buildings 8/24/05, remain in committee 10/11/06, tabled 8/30/07 until next meeting so Anne Louro can get the language to Council, tabled 10/16/07 until language is presented to the Committee)
- 1 a. AN ORDINANCE, Relative to amending Chapter 2, Section 2/157, Demolition Delay of Buildings & Structures. (Ref'd 11/16/07)

INVITEES: Acting New Bedford Historical Commission Chairperson/City Planner David Kennedy; Preservation Planner Anne Louro; WHALE Executive Director Lisa Sughrue; Attorney David J. Gerwatowski; City Solicitor Irene Schall

2. Related Motion, Councillor Morad, that the Ordinance Committee explores the current process of granting livery licenses and renewals here in the City. (Ref'd 2/23/06, tabled 5/18/06, remain in committee 10/11/06, not heard remain in committee 11/28/06, tabled to next meeting 4/18/07 – invite Police Chief & City Clerk, 5/16/07 letters to City Clerk, and Police Department to report back within 60 days, 8/30/07 tabled until October meeting)
- 2a. Communication, Rita Arruda, City Clerk to Councillor Gonsalves, Chairperson, Committee on Ordinances, responding to a request from the Committee to research other Cities and Towns, in regard to granting Livery licenses. (Ref'd 8/1/07, 8/30/07 tabled until October meeting)

INVITEES: Police Chief Ronald Teachman; City Clerk Rita Arruda

3. Written Motion, Councillor Pina, requesting that the DPF and the Mayor's Office look into purchasing additional trash receptacles to be used in different locations throughout the City; and further, that we request variety stores to purchase trash barrels to be placed outside of their establishments, in an effort to eliminate the garbage that is left to accumulate on the sidewalk from the customers exiting their stores. (Ref'd 6/28/07, 10/16/07 - Letter sent to DPF Commissioner asking him to provide the Committee w/ locations where receptacles are going, who will be monitoring/emptying, information be provided before next meeting)

INVITEES: DPF Commissioner Lawrence Worden

4. Written Motion, Councillor Gomes, requesting that City Department Heads, such as the Commissioners of Public Infrastructure and the Department of Public Works, take immediate action to clear the illegal signs that have been tacked on telephone poles and trees across the City; and further, that the ordinance pertaining to advertising on trees, poles, etc., Sec. 22-13 of the New Bedford City Code of Ordinances, be reviewed, and the possibility of increasing the fines from \$15.00 a day to \$100.00 a day, for posting or advertising on trees or poles throughout the City, creating a fine of \$100.00 a day for those violating said City Ordinance Sec. 22-13. (Ref'd 6/28/07)

INVITEES: DPI Commissioner Ronald Labelle; DPF Commissioner Lawrence Worden; Attorney David Gerwatowski; City Solicitor Irene Schall

5. Written Motion, Councillor Gomes, requesting that the City Council draft a City Ordinance stipulating where clothing collection boxes, now located throughout the City, on street corners and on business properties, etc., would be permitted, so that these clothing collection boxes are not being placed just anywhere, such as major intersections of the City of New Bedford, creating eyesores and possible hazards. (Ref'd 6/28/07)

INVITEES: Attorney David Gerwatowski; City Solicitor Irene Schall

6. An Ordinance, Bias Crime to be reviewed and updated. (Ref'd from A & B - 7/18/07)

INVITEES: Attorney David Gerwatowski; City Solicitor Irene Schall; Police Chief Ronald Teachman

7. AN ORDER, that the City accept M.G.L. c. 43D, which provides for an expedited municipal permitting process for parcels that qualify for designation as priority development sites under the provisions of said chapter. (Ref'd 8/16/07)

INVITEES: Attorney David Gerwatowski; City Solicitor Irene Schall

8. Written Motion, Councillor Pina, requesting that the Committee on Public Safety & Neighborhoods and the Committee on Ordinances review the procedure of the Traffic Commission having the last say in Stop Signs and traffic issues throughout the City; and further, that the Traffic Commission again be requested to put a Stop Sign on County Street between Willis and Parker Streets. (Ref'd 8/16/07)

INVITEES: Traffic Commission Executive Secretary Scott Downing; Traffic Commission Chairman Deputy Kevin Hegarty

9. Written Motion, Councillor Gomes, requesting that the Committee on Ordinances meet to discuss the possibility of drafting an Ordinance that would make homeowners accountable for the numerous complaints to Police and City Officials regarding the activity of people they choose to rent their property to, and how it can have a negative affect on the quality of life for nearby neighbors and others residing in that same area; further that a fine be implemented after a certain number of calls to the Police Department, or City Departments, and that this fine be on a monthly basis until the problem is corrected, in an effort to hold property owners accountable for quality of life issues within the neighborhood; and further, that property owners throughout the City be put on notice that, following this City Council meeting, this Councillor will post the owners' names/personal address and problem property addresses in a further attempt to hold the owners accountable for any criminal activity, noise and disturbance problems at their properties until they take steps to correct these problems; and that the Police Chief assign the District Police Cruiser to patrol and monitor the areas that come up on the Council Agendas as problem issues. (Ref'd 8/16/07)

INVITEES: Attorney David Gerwatowski; City Solicitor Irene Schall

10. Communication, Mayor Lang, to City Council, submitting request that SEARS COURT, from Purchase Street to Pleasant Street be DISCONTINUED. (Ref'd 2/8/07, referred to Ordinance from A & B 3/12/07, 7/25/07 - Approval failed on a Roll Call vote y-3, n3, dl not present for vote)
- 10a. Communication, Duarte M. Andrade, Acting City Engineer, to Council President Pimental, submitting METES AND BOUNDS and MAP for the DISCONTINUANCE of SEARS COURT, from Purchase Street to Pleasant Street. (Ref'd 2/8/07, referred to Ordinance from A & B 3/12/07, rpf 7/25/07)
- 10b. AN ORDER, Requesting City Solicitor to prepare a LAYOUT ORDER prior to Hearing Date. (Ref'd 2/8/07, referred to Ordinance from A & B 3/12/07, rpf 7/25/07)
- 10c. AN ORDER, For HEARING on MARCH 08, 2007. (Ref'd 2/8/07, referred to Ordinance from A & B 3/12/07, rpf 7/25/07)

- 10d. Written Motion, Councillors Pimental, Coelho, and Saunders, requesting that the Historical Commission look into SEARS COURT with respect to its Historic Value to the City of New Bedford and report back its findings to the City Council Committee on Ordinances. (Ref'd 8/16/07)
- 1 0e. Communication, New Bedford Historical Commission, Preservation Planner, Anne Louro, to Councillor Jane Gonsalves, Chairperson, Committee on Ordinances, submitting her findings as requested by the Committee re: the historical value of Sears Court to the City of New Bedford. (Ref'd 9/19/07)
- 1 0f. Written Motion, Councillors Saunders, Coelho & Pimental, requesting that Mayor Lang close Sears Court nightly with gates, rather than discontinue altogether the use of a street used as a PUBLIC WAY for mostly pedestrian traffic for many years; and further, requesting that street signs be installed on Purchase and Pleasant Streets indicating the location of Sears Court. (Ref'd 8/16/07)
- 1 0g. Written Motion, Councillors Saunders, Coelho, and Pimental, requesting that lighting be installed on Sears Court, mounted on the side of the building owned by the City, which will presently house the Downtown New Bedford Police Station. (Ref'd 8/16/07)
- 10h. PICTURES, Councillor Coelho, submitting Pictures of SEARS COURT, including lighting fixtures and entrances/exits, which need street name signage and could be gated nightly instead of discontinuing historic street. (Ref'd 8/16/07)

INVITEES: Acting City Engineer Duarte Andrade; Police Chief Ron Teachman

- 11. Communication, Planning Board Chairman George Smith, to Council President Alves, requesting amendments to the Mill Overlay District Ordinances. (Ref'd 10/25/07)
- 11 a. Planning Board Recommendation -

INVITEES: City Planner David Kennedy; Attorney David Gerwatowski; City Solicitor Irene Schall

Chairperson suggests "No Further Action" on the following items:

- 12. Written Motion, Councillors Gonsalves & Pimental, requesting that the Zoning Ordinances be amended to prohibit drive-thru windows at fast food restaurants as has already been done in Marion, and Milton, MA. (Ref'd 08/19/04, referred to Legal Counsel 10/18/04, remain in committee 10/11/06, not heard 11/28/06 remain in committee, referred to the Planning Board for opinion 2/20/07, reminder letter sent 5/4/07)
- 13. Written Motion, Councillor Pimental, requesting that the Ordinance Committee look into creating a new Ordinance stating the Plot and Lot being rezoned have a sign placed in front of the parcel of land to indicate that this property is going before the Zoning Board and/or Planning Board for rezoning. (Ref'd 9/9/04, not heard 11/28/06, tabled 4/18/07 to get status - what's on the books, this item has had no action)
- 14. Written Motion, Councillor Gomes, that the Ordinance Committee request that the Legal Counsel draft an Ordinance that would require all requested zoning changes, business or residential, to post the address along with the Plot and Lot numbers in the advertisement and notices; and further, that the Ordinance also require that a 22" x 28" sign of notification be placed on the property stating the zoning change, and which would include Plot, Lot and Address. (Ref'd 2/10/05, not heard 11/28/06, tabled 4/18/07 to get status - what's on the books, this item has had no action)
- 15. Written Motion, Council President Alves, asking that the Committee on Ordinances review the current Responsible Employees Act to evaluate the addition of MGL Chapter 30, Section 39, UNIFORM PROCUREMENT ACT, in an effort to expand and ensure that local residents are given the primary opportunity for employment in the City of New Bedford-sponsored projects. (Ref'd 9/14/06,

tabled 6/20/07)

16. Written Motion, Councillor Pimental, requesting that the City Council's Legal Counsel, and the Committee on Ordinances work with the City Solicitor to develop a City Ordinance pertaining to WINDMILLS in the City of New Bedford. (Ref'd 10/26/06, tabled 7/25/07)
17. Communication, City Solicitor Schall, to City Council, submitting AN ORDINANCE, amending the Unit C Schedule to replace "Treasurer M-13" with "Treasurer M-14." (Ref'd 10/26/06, not heard 11/28/06 remain in committee, tabled 3/21/07, tabled 4/18/07, tabled 5/16/07)
- 17a. An Ordinance, amending the Unit C Schedule to replace "Treasurer M-13" with "Treasurer M-14." (Ref'd 10/26/06, not heard 11/28/06 remain in committee tabled 3/21/07, tabled 4/18/07, tabled 5/16/07)
18. Written Motion, Council President Pimental, asking that the City Council of New Bedford place a Non-Binding Referendum Question, on the November 2008 Ballot, asking the Citizens of New Bedford, ONCE AGAIN (previous vote was a "YES"), for their input on whether or not the location of a Casino in the City of New Bedford should be pursued; further, that Election Commission Chairperson Maria Tomasia submit information to the Council President as to the guidelines/process and timeline of Referendum Questions to be placed on the next Municipal Ballot, so we may efficiently advance the issue of a Casino being located in the City of New Bedford; and further, that Rule 40 be waived so that the Mayor may approve this Motion as quickly as possible, enabling the City to go forward with respect to placing the question on the ballot to comply with the timeframe and due process allotted for submitting such Home Rule Amendment petitions, and so that the Citizens of New Bedford can, without doubt, voice their opinion to City Officials with a Yes or No vote to the ballot question, which may be worded "Plain and Simple" as follows: "Are you in Favor of a Casino being built/located in the City of New Bedford?" (Ref'd 2/22/07, tabled 7/25/07)
19. Related Motion, Councillor Pina, asking that the City Council establish a Liaison Committee made up of agencies and organizations and City Council to monitor the State and Federal Government Contracts that come into the City of New Bedford. (Ref'd 3/8/07, tabled 7/25/07)
20. Written Motion, Councillor Lawrence, requesting that the Committee on Ordinances review the State guidelines allowing the Airport Commissions existence to explore the possibility of granting the Airport Commission complete autonomy as related to enforcing its regulations and requirements. (Ref'd 4/17/07, tabled 8/30/07)
21. Written Motion, Councillor Coelho, requesting that the City Council look into establishing An ORDINANCE, prohibiting the violation of a neighborhood protection Order in the City of New Bedford, in the interest of Public Safety, that the State and City courts, may by court order, may place a condition on an individual who is under court supervision as a result of illegal drug activities, whereby such person is prohibited from being in or traveling through a specified area related to the alleged illegal drug activity, modeled after ordinance #65800, City of Saint Louis, Missouri. (Ref' 4/26/07, tabled 8/30/07)
- 21a. DRAFT ORDINANCE, submitted by Councillor Coelho, relative to Ordinance #65800, in the City of Saint Louis, Missouri. (Ref'd 4/26/07, tabled 8/30/07)
22. Communication, City Solicitor Schall to Mayor Lang, RE: OPINION NO. 121-2007-10- 04, responding to Mayor Lang's request for an opinion whether the City Council majority votes at it's meeting on June 28, 2007 and July 12, 2007 to transfer funds appropriated for the use of one department to the use of another department result in votes to transfer said funds stating that "The June 28th meeting and vote occurred during the last two months of fiscal year 2007 and the July 12th meeting occurred during the first 15 days of fiscal year 2008." M.G.L. Ch.44 Sec. 33B (a), which took effect May 4, 2006. (Ref'd 7/19/07)